



1756

MC-00-387

October 20, 2003

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Art Unit 1756 - Christopher G. Young
From: George O. Saile, Reg. No. 19,572
28 Davis Avenue
Poughkeepsie, N. Y., 12603

Subject: | Serial No.: 10/056,650 01/28/02 |
Burn J. Lin
A MULTIPLE MASK STEP AND SCAN ALIGNER
|_ Art Group: 1756 Christopher G. Young_|
RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election Requirement in the Office Action dated 09/26/03. In that Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 23, 2003.

Stephen B. Ackerman, Reg.# 37761

Signature/Date SBAR 10/23/03

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 1-19 to an optical lithographic exposure apparatus, classified in Class 356, subclass 399 and Group II - Claims 20-27 to a process, classified in Class 430, subclass 22.

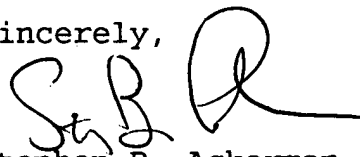
Applicant provisionally elects to be examined the Invention described by the Examiner as Group II - Claims 20-27 drawn to a process classified in Class 430, subclass 22. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "an optical lithographic exposure apparatus" and the process Claims are directed to "a method to pattern a photoresist layer in the manufacture of an integrated circuit device", it is necessary to obtain claims in both the product and method claim language. The

method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method class/subclass 430/22 and products class 356/399 in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "In this case the apparatus could be utilized in a blanket exposure process designed for re-working malformed resist layers", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. B. Ackerman', with a stylized flourish at the end.

Stephen B. Ackerman, Reg. #37761